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Mailed
 1/8/13
 Postmark Here

Sent To
FARMLAND Reserve Inc
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

ORIGINAL is in
 CS4-16638(d)

This Certified CARD covers the following files:

CS4-16638(d)
 CS4-13134(B)P@2
 CS4-13134(B)P@3

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) Janet Pettit</p> <p>C. Date of Delivery 1/8/13</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>FARMLAND RESERVE, INC. R. THOMAS MACKAY, GEN MGR 7404 W HOOD PL KENNEWICK WA 99336-6718 WR/ss Rej Ltr 1/8/13 CS4-16638(d), CS4-13134(B)P@2, and CS4-13134(B)P@3</p>		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7010 0290 0000 7131 1637</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

January 8, 2013

Farmland Reserve, Inc.
R. Thomas Mackay, General Manager
7404 W Hood Pl
Kennewick WA 99336-6718

Re: Water Right Change Application Nos. CS4-16638(d), CS4-13134(B)P@2,
and CS4-13134(B)P@3

Dear Mr. Mackay:

Thank you for applying for a temporary water right. The period of use requested has passed for the following Change Application Nos.:

Change Application No.	Period of Use
CS4-16638(d)	2012 Irrigation Season
CS4-13134(B)P@2	2011 Irrigation Season
CS4-13134(B)P@3	2012 Irrigation Season

The Department of Ecology was unable to timely process your applications. I encourage you to continue to file applications for your temporary water needs.

The above listed time periods for Application Nos. CS4-16638(d), CS4-13134(B)P@2 and CS4-13134(B)P@3 have passed. At this time your applications are **rejected**, but only because we were unable to process your applications during the relevant timeframe.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this decision. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of this decision:

- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.



FILE COPY



Farmland Reserve Inc.

Change Application Nos.: CS4-16638(d), CS4-13134(B)P@2 and CS4-13134(B)P@3

January 8, 2013

Page 2 of 2

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION


Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608
Pollution Control Hearings Board 4224 – 6 th Avenue SE 1111 Israel Road SW Ste 301 Tumwater WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>

To find laws and agency rules visit the Washington State Legislature Website: <http://www.leg.wa.gov/CodeReviser>

If you have any questions, please contact Teresa Mitchell at 509-575-2597.

Sincerely,



Mark Kemner, LHG, Section Manager
Water Resources Program/CRO

MK:EH:ss
130107

Enclosure: *Your Right to Be Heard*

By certified mail: 7010 0290 0000 7131 1637

app-rejected.doc

1500-17



TELEPHONE REPORT

Call From: TOM MACKIE Date: 10/24/11
AG. NW Time: 3:15H ☐ am ☒ pm
Phone No.: (509) 734-1195
Call To: TOM PERLOW

Subject: CS4-16638(d)

Summary:

WE TALKED ABOUT THE APPARENT LACK OF WATER
APPLIED TO BENEFICIAL USE AT THE ORIGINAL P.O.U.
TURNS OUT THEY IRRIGATED IN 2010 TO THE TUNE
OF 26 INCHES PER ACRE OF PASTURE THAT THEY THEN
RAN CATTLE ON. TOM WANTED TO IRRIGATE AT 44 IN/AC
AT THE PROPOSED POLL IN AN APPLE ORCHARD. I
TOLD HIM WE CAN ONLY TRANSFER THAT AMOUNT
THAT HAS ACTUALLY BEEN APPLIED TO BENEFICIAL
USE. SO, SINCE THEY HAD ONLY IRRIGATED 160 ACRES
AT 26 IN/AC, THAT WOULD BE THE AMOUNT AVAILABLE
FOR CHANGE. WE COULD NOT AUTHORIZE A POLL
OF 160 ACRES AT THE PROPOSED POLL AT 44 IN/ACRE.

TOM WASN'T EXCITED TO LEARN THIS BUT HAS ANOTHER
RIGHT TO CHANGE TO MAKE UP THE DIFFERENCE.

AFTER 2012, THIS WATER WILL BE OFFERED TO THE
TRUST WATER PROGRAM AS A TEMP. DONATION.

THE INFRA-REDS AT THE END OF THIS FILE SHOW THAT
WATER WAS APPLIED TO THE ORIGINAL P.O.U. THERE ARE
TWO "LAKES" THAT FORMED SINCE THE SOIL IS SHALLOW
HERE AND DOES NOT READILY PERMEATE INTO THE
UNDERLYING BASALT.

EARLIER, I HAD CALLED WARREN PETERSON, VP, IN UTAH
ABOUT MY CONCERNS OVER
THIS PROPOSED A. Signature [Signature]
I WAS REFERRED TO Date 10/24/11
TOM MACKIE.

ECY 010-46(a) (6/04)

Perkow, Tom (ECY)

From: Mackay, Tom [tmackay@agrinw.com]
Sent: Monday, October 24, 2011 3:45 PM
To: Perkow, Tom (ECY)
Subject: 16638(D)P - Field 218
Attachments: agmx3501@agrinw.com_20111024_164744.pdf

Tom:

Attached is the water right map showing the location of field 218. We applied an estimated 26 inches from June-the end of the season.

Please add this to the file.

Thank you,

R Thomas Mackay

R Thomas Mackay

This e-mail and any attached files are confidential. If you are not the intended recipient, please delete this message immediately; Any use, retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited.



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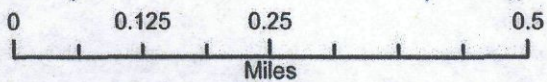
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033

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219

5N 27E
004

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Water Right	Type	Total WR Acres	In/Ac/Yr	Total Field Acres
16638(D)P	Permit	160.0	51.4	160.0



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

September 30, 2011

Farmland Reserve, Inc.
7404 West Hood Place
Kennewick WA 99336-6718

Re: Water Right Change Application No. CS4-16638(D)

We have received your water right change application and have assigned it the number shown above. Please use this number in future communications with our office.

If you have any questions, please contact Teresa Mitchell at 509-575-2597.

Sincerely,

MELISSA M. DOWNES

Melissa Downes, LHG
Acting Section Manager
Water Resources Program

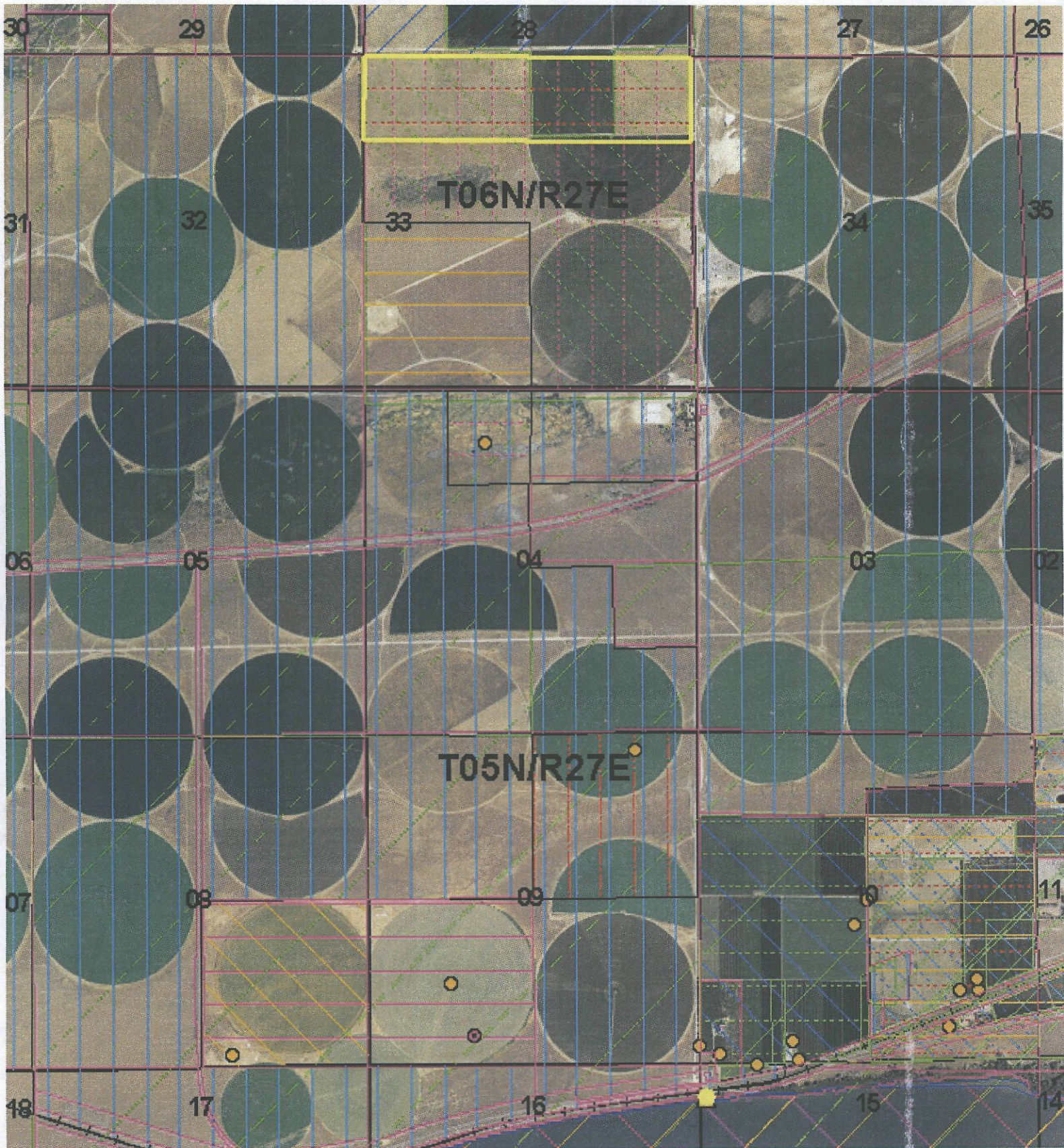
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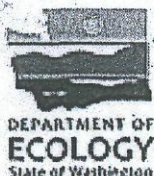
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FILE COPY



pin	owner1	mailaddr	mailcity	mailstat	mailzip
104571000001000	K2H FARMS INC	%JERRY WAMSLEY	TRI-CITIES	WA	99302-2308
133671000001000	K2H FARMS INC	%JERRY WAMSLEY	TRI-CITIES	WA	99302-2308





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

SUPERSEDING PERMIT
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON
Supersedes Permit Issued August 4, 1976

- ☒ Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)
- ☐ Ground Water (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

APRIL 25, 1966

PRIORITY DATE	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
February 4, 1971	19621(A)	16638(D)P	

NAME

Farmland Reserve Inc. AND Washington State Department of Natural Resources (WDNR)

ADDRESS (STREET)	STREET ADDRESS	CITY	STATE)	ZIP CODE)
Farmland Reserve Inc	7404 W Hood Place Ste B	Kennewick	WA	99336

The applicant is hereby granted a permit to appropriate the following public waters of the State of Washington, subject to existing rights and to the limitations and provisions set out herein.

PUBLIC WATERS TO BE APPROPRIATED

SOURCE

Columbia River

TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE -FEET PER YEAR
3.2		685.3

QUANTITY, TYPE OF USE, PERIOD OF USE

3.2 cubic feet per second; 685.3 acre-feet per year for irrigation of 160 acres from April 1 to October 31, each year.

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL

1. Prior Power Station:

500 feet south and 100 feet east of the northwest corner of Section 15, T. 5 N., R. 27 E.W.M., being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 15.

LOCATED WITHIN $\frac{1}{4}$ (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY
1. Prior Power Station NW $\frac{1}{4}$ NW $\frac{1}{4}$	15	5	27 E.W.M.	31	Benton

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

The SW $\frac{1}{4}$ of Section 33, T. 6 N., R. 27 E.W.M.

DESCRIPTION OF PROPOSED WORKS

Booster pumps from Columbia River to irrigation system.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER PUT TO FULL USE BY THIS DATE:
Begun	October 1, 2012	October 1, 2013

FILE COPY

12-30-2009
WR Doc 4659408

INFO ONLY

PROVISIONS

All conditions and requirements contained in Reports of Examination or Permits previously issued apply to this Certificate unless specifically noted below.

The intake(s) shall be screened in accordance with Department of Fish and Wildlife screening criteria.
<http://www.wdfw.wa.gov/reg/regions.htm>

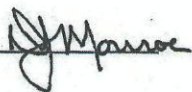
This permit shall be subject to cancellation should the permittee fail to comply with the above development schedule and/or to give notice to the Department of Ecology on forms provided by that Department documenting such compliance.

Given under my hand the seal of this office at Yakima, Washington, this 30th day of December 2009.

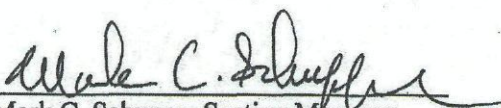
Ted Sturdevant, Director
Department of Ecology

DATA REVIEW

OK



by



Mark C. Schuppe, Section Manager
Water Resources Program
Central Region Office

SUPERSEDING PERMIT

WRTS File No. 16638(D)P